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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LAS VEGAS SUN, INC., a Nevada
corporation,

Plaintiff,

v.

SHELDON ADELSON, an individual and
as the alter ego of News+Media Capital
Group LLC and as the alter ego of Las
Vegas Review Journal, Inc.; PATRICK
DUMONT, an individual; NEWS+MEDIA
CAPITAL GROUP LLC, a Delaware
limited liability company; LAS VEGAS
REVIEW-JOURNAL, INC., a Delaware
corporation; and DOES, I-X, inclusive,

Defendants.

Case No.: 2:19-CV-01667-RFB-BNW

**RESPONSE TO OBJECTION TO
NOTICE OF RELATED CASE (ECF NO.
23)**

Defendants Las Vegas Review-Journal, Inc., News+Media Capital Group LLC, Sheldon
Adelson, and Patrick Dumont (collectively, “Defendants”), by and through their counsel of
record, hereby submit this Response to Plaintiff Las Vegas Sun, Inc.’s Objection to Notice of
Related Case (ECF No. 23).

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I. Local Rule 42-1(a) Imposes a Duty to Inform the Court of Related Cases.

Local Rule 42-1 places a mandatory obligation on any “party who has a reason to believe that an action on file or about to be filed is related to another action on file (*whether active or terminated*)” to file a notice of related cases in each such action. The Honorable Jennifer Dorsey exhorted litigants and counsel to comply with this non-discretionary requirement or face the possibility of sanctions. *See Horta-Castrejon v. Sessions*, No. 2:17-cv-01567-JAD-NJK, 2018 WL 1124949, at *2 (D. Nev. Mar. 1, 2018) (“Finally, I advise Horta-Castrejon and his counsel to review Local Rule LR 42-1(a), which requires that a notice of related cases ‘whether active or terminated’ be filed. Using a different alias in a new proceeding does not excuse a party or his counsel from complying with the local rule. Failure to comply with the local rules may result in sanctions.”).

Here, Defendants filed the Notice of Related Case to meet their obligation to inform the Court that this action is related to the action previously litigated before Judge James C. Mahan of the United States District Court for the District of Nevada: *Greenspun v. Stephens Media LLC, et al.*, 2:13-cv-01494-JCM-PAL (“Related Case”).

II. The Local Rule Broadly Defines Related Cases and Expressly Includes Terminated Cases.

Actions may be considered related to one another in any one of the following circumstances:

- (1) Both actions involve the same parties and are based on the same or similar claim;
- (2) Both actions involved the same property, transaction, or event;
- (3) Both actions involve similar questions of fact and the same question of law, and their assignment to the same district judge or magistrate judge is likely to effect a substantial savings of judicial effort;
- (4) Both actions involve the same patent, trademark, or copyright, and one of the factors identified in (1), (2), or (3) above is present; or
- (5) For any other reason, it would entail substantial duplication of labor if the actions were heard by different district judges or magistrate judges.

LR 42-1(a).

This Action and the Related Action appear to meet the criteria of LR 42-1(a)(1), (a)(3) and/or (a)(5) based on, among other things, the similarity of the allegations and claims between

the cases and the fact that Judge Mahan conducted and presided over a preliminary injunction hearing. *See Greenspun v. Stephens Media LLC, et al.*, 2:13-cv-01494-JCM-PAL, ECF No. 28 (transcript of preliminary injunction hearing).

Unlike the Sun, Defendants decline to engage in ad hominem attacks and arguments about the similarities (or dissimilarities) of the two cases because, by rule, the judges in the two actions will independently review the records and determine whether the two actions meet the relatedness requirements. Instead, Defendants provide the following table of information to assist the Court in comparing the allegations in the two actions:

Commonality	This Case	Related Case
The plaintiff in the Related Case was Brian Greenspun; the plaintiff in this case is the Las Vegas Sun, Inc., which is published by Brian Greenspun	ECF No. 1, ¶ 2	ECF No. 1, ¶ 4
DR Partners dba Stephens Media was a named defendant in the Related Case and its successors-in-interest, News+Media Capital Group LLC and Las Vegas Review-Journal, Inc., are named defendants in this action	ECF No. 1, ¶¶ 5–7	ECF No. 1, ¶ 41
Both cases involve the same contract – the 2005 joint operating arrangement (“2005 JOA”)	ECF No. 1, ¶¶ 23–35	ECF No. 1, ¶¶ 50–54
The complaints contain overlapping (albeit, inconsistent) antitrust market allegations	ECF No. 1, ¶¶ 36–47	ECF No. 1, ¶¶ 55–62
Both complaints allege antitrust injury based on defendants’ alleged attempt to terminate the 2005 JOA	ECF No. 1, ¶¶ 108–18	ECF No. 1, ¶¶ 63–94
Both complaints assert a cause of action for attempted monopolization under Section 2 of the Sherman Act, 15 U.S.C. § 2 arising from the alleged termination of the 2005 JOA	ECF No. 1, ¶¶ 128–37	ECF No. 1, ¶¶ 97–102
Both complaints assert a cause of action for violation of Section 7 of the Clayton Act, 15 U.S.C. § 18 arising from the alleged termination of the 2005 JOA	ECF No. 1, ¶¶ 148–52	ECF No. 1, ¶¶ 95–96
Both complaints assert a cause of action under the Nevada Unfair Trade Practices Act, NRS 598A	ECF No. 1, ¶¶ 153–58	ECF No. 1, ¶¶ 103–04

Commonality	This Case	Related Case
Both complaints seek to enjoin termination of the 2005 JOA	ECF No. 1, 34:17–18	ECF No. 1, 19:8
Brian Greenspun verified both complaints	ECF No. 1, 36:1–14	ECF No. 1, 20:1–11

Pursuant to LR 42-1, Defendants have concurrently filed this Response to Objection to Notice of Related Case in the *Greenspun v. Stephens Media* matter and served all parties with the same.

DATED November 1, 2019

KEMP, JONES & COULTHARD, LLP

/s/ Michael Gayan

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Attorney for Defendants

PROOF OF SERVICE

I hereby certify that on the 1st day of November, 2019, I served a true and correct copy of the foregoing **RESPONSE TO OBJECTION TO NOTICE OF RELATED CASE (ECF NO. 23)** via the United States District Court's CM/ECF electronic filing system to all parties on the e-service list.

/s/ Pamela Montgomery

An employee of Kemp, Jones & Coulthard, LLP